



[Billing Code 3290-F8]

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Docket Number USTR-2018-0013**

**Dispute Number WT/DS545**

**WTO Dispute Settlement Proceeding: United States – Safeguard Measure on**

**Imports of Crystalline Silicon Photovoltaic Products**

**AGENCY:** Office of the United States Trade Representative

**ACTION:** Notice with request for comments

**SUMMARY:** The Office of the United States Trade Representative (USTR) is providing notice that on May 14, 2018, the Government of the Republic of Korea requested consultations with the United States under the Marrakesh Agreement Establishing the World Trade Organization concerning a safeguard measure the United States implemented on imports of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products (solar products). That request is available at [www.wto.org](http://www.wto.org) in a document designated as WT/DS545/1. USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept any comments during the course of the dispute settlement proceedings, you should submit your comment on or before [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION], to be assured of timely consideration by USTR.

**ADDRESSES:** USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting

comments in section III below. The docket number is USTR-2018-0013. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395-9483.

**FOR FURTHER INFORMATION CONTACT:** Assistant General Counsel Dax Terrill at (202) 395-4739.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

USTR is providing notice that consultations have been requested pursuant to the World Trade Organization (WTO) Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). If these consultations do not resolve the matter, Korea could request that the WTO establish a dispute settlement panel pursuant to the DSU, which would hold its meetings in Geneva Switzerland, and issue a report on its findings.

**II. Major Issues Raised by Korea**

On May 14, 2018, Korea requested consultations concerning a safeguard measure the United States implemented on solar products under section 201 of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) following a determination of the U.S. International Trade Commission that solar products are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly competitive with the imported article.

Korea alleges that United States has implemented a safeguard measure that does not comply with Articles 1, 2.1, 3.1, 3.2, 4.1, 4.2, 5.1, 5.2, 7.1, 7.4, 8.1, 12.1, 12.2, and

12.3 of the Agreement on Safeguards and Articles X, XIII, and XIX of the General Agreement on Tariffs and Trade 1994.

### **III. Public Comments: Requirements for Submissions**

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via [www.regulations.gov](http://www.regulations.gov). To submit comments via [www.regulations.gov](http://www.regulations.gov), enter docket number **USTR-2018-0013** on the home page and click “search.” The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting “notice” under “document type” on the left side of the search-results page, and click on the link entitled “comment now!” For further information on using the [www.regulations.gov](http://www.regulations.gov) website, please consult the resources provided on the website by clicking on “How to Use Regulations.gov” on the bottom of the home page.

The [www.regulations.gov](http://www.regulations.gov) website allows users to provide comments by filling in a “type comment” field, or by attaching a document using an “upload file” field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type “see attached” in the “type comment” field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the “type comment” field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC”. Any page containing business confidential information must be clearly

marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character “P”. The “BC” and “P” should be followed by the name of the person or entity submitting the comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact Sandy McKinzy at (202) 395-9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than business confidential information, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as “SUBMITTED IN CONFIDENCE” at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR-2018-0013, accessible to the public at [www.regulations.gov](http://www.regulations.gov). The public

file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, USTR will make the following documents publicly available at [www.ustr.gov](http://www.ustr.gov): the U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at [www.wto.org](http://www.wto.org).

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